

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| -----X | : | |
| UNITED STATES OF AMERICA, | : | |
| | : | 11-cr-93 (JSR) |
| -v- | : | |
| | : | <u>MEMORANDUM ORDER</u> |
| SIAVOSH HENAREH, | : | |
| | : | |
| Defendant. | : | |
| | : | |
| -----X | : | |

JED S. RAKOFF, U.S.D.J.

Familiarity with the background of Siavosh Henareh's requests for a sentence reduction is here assumed. In fall of 2020, after appointing counsel to supplement Henareh's pro se motion for a sentence reduction and to argue the motion on his behalf, the Court found that extraordinary and compelling reasons warranted a twelve-month reduction in Henareh's sentence, consistent with the § 3553(a) factors, but that "releasing Henareh today would be totally inconsistent with the severity of his crimes." Opinion and Order, ECF No. 153, at 13 (January 13, 2021).

In spring of 2021, Henareh moved for reconsideration of that Opinion and Order, reiterating his request for immediate release, Pro Se Motion for Reconsideration, ECF No. 155. The Court denied the motion, finding that nothing therein demonstrated a pertinent change in fact or law or otherwise called into question the Court's prior conclusion regarding extraordinary and compelling circumstances, and that Henareh offered no reason to doubt the

Court's previous finding that immediate release would be inconsistent with the § 3553(a) factors. Memorandum Order, ECF No. 156, at 1-2.

In December 2021, Henareh filed a one-page motion for a sentence reduction, ECF No. 157, which the Court denied as without merit. ECF No. 158. Now, in a letter to the Court dated February 23, 2022, Henareh appears to seek to amend his December 2021 motion, asserting that COVID-19 conditions at FCI Allenwood warrant his release. While there are currently six confirmed cases among inmates and zero confirmed cases among staff at Allenwood Medium, this does not change the Court's prior conclusion regarding extraordinary and compelling circumstances.¹ Neither does the other information Henareh provides about his medical condition represent new or changed information from what the Court has already considered in its prior determinations, to which the Court adheres.

The Court's January 13 Opinion and Order, ECF No. 153, and the Court's May 5, 2021 Memorandum Order, ECF No. 156, are incorporated by reference, and Henareh's request to amend his December 2021 motion for a sentence reduction, ECF No. 159, is denied.

SO ORDERED.

Dated: New York, NY
March 14, 2022


JED S. RAKOFF, U.S.D.J.

¹ BOP: COVID-19 Update, <https://www.bop.gov/coronavirus/> (last accessed March 14, 2022).